

The Senate and the CIA

THE HOT AND HEAVY protests which followed disclosure of the CIA's subversion in Chile have produced an official affirmation of "dirty tricks" of unprecedented scope and explicitness. Mr. Ford reacted two weeks ago not only by acknowledging an American role in the overthrow of the Allende government but by declaring his readiness to take future "actions in the intelligence field." No American President had previously either defended a particular operation or justified such operations as a whole. To be sure, it was not the substance of what Mr. Ford said but his public statement of it that was new. It is not surprising that a President would support established presidential policy. But the response of Congress is something else again.

We print on this page today excerpts from a historical Senate debate of last Wednesday, "historical" because it marks the first time that either house of Congress has conducted an open debate and openly voted on whether the United States should engage in secret foreign operations in peacetime, intelligence gathering aside. A leading student of the CIA, Harry Howe Ransom, wrote recently that "one searches in vain in the public records . . . for any evidence of congressional intent or acquiescence to assign the functions of foreign political action or subversion to the CIA." The "search" can now end. Last Wednesday the Senate considered an amendment by Sen. James Abourezk (D-S.D.) to end dirty tricks completely. The amendment was swamped, 63 to 17.

The CIA and its supporters can now claim—fairly, we believe—that for the first time the agency has a congressional mandate, if only from one house, for covert operations. No longer can CIA operations be regarded as an unauthorized presidential habit or cold-war carryover. Though only briefly and without hearings or committee recommendations, the Senate did join the debate and express its judgment. It was, moreover, a judgment we happen to share. As we have said, given American interests and global uncertainties, the United States should not deny itself the CIA option in all circumstances.

We think, nonetheless, that Mr. Abourezk performed

a service by forcing a vote on an issue from which most legislators have traditionally averted their eyes. The senator was under no illusion that his amendment would win. But he wished to make the Senate accept accountability for CIA operations and to establish the issue as one deserving regular review. If the CIA can now claim a new mandate for covert operations, then senators must now be ready publicly to justify their own stands. The furor over CIA activity in Chile, the Watergate disclosure that the CIA is not immune from political usage, the fading of the congressional traditionalists who have protected the CIA from critical congressional scrutiny—all these factors have opened up the issue in a major way. Sen. John Stennis (D-Miss.), one of the leading traditionalists, remarked on the change last Wednesday. "It is not an easy job that I have had on this matter," he said. "I will not relate the incidents that have come up. It was my duty, and that was it. After all, we are working for the same country."

Just what the new attitude personified by Sen. Abourezk will finally lead to is, of course, uncertain. It is noteworthy, however, that since the Chile affair became known, the administration has been conducting a kind of preemptive retreat by offering certain concessions to Congress on "oversight." Its latest move is to promise timely briefings on operations to the House Foreign Affairs Committee, as well as to the oversight committee of the Armed Services Committee. This broadens the circle of those who can offer the CIA their advice on operations, though the agency still does not ask for legislators' consent. It also broadens the circle of those whom the CIA can swear to secrecy. A legislator so sworn, who finds himself opposed to a proposed operation, will still face the intolerable choice of breaking his oath or swallowing his best judgment.

We do not think there is a good way to square the circle: to have effective public oversight of secret operations. It is a humbling contradiction for a democratic society. Sen. Abourezk's answer—to abolish secret operations and to meet all foreign threats openly and publicly or not at all—has the virtue of consistency but, in our view, falls short in terms of policy. The portions of the debate published here today indicate, if nothing else, just how difficult the issue is.

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ne 'Covert Operations' Debate

The following are excerpts from the Senate debate of Oct. 2 on an amendment to the foreign aid bill which would have ordered the Central Intelligence Agency immediately to halt all covert operations not related to intelligence. The amendment was defeated, 63 to 17. This marked the first time either house of Congress had debated and voted on this issue.

Sen. James Abourezk (D-S.D.): This amendment will, if enacted, abolish all clandestine or covert operations by the Central Intelligence Agency.

I believe very strongly that we must have an intelligence-gathering organization and I believe the CIA and our defense intelligence agencies do an adequate job in this respect.

We have every right to defend ourselves from foreign attack and that right includes intelligence gathering to protect our security.

But there is no justification in our legal, moral, or religious principles for operations of a U.S. agency which result in assassinations, sabotage, political disruptions, or other meddling in another country's internal affairs, all in the name of the American people. It amounts to nothing more than an arm of the U.S. government conducting a secret war without either the approval of Congress or the knowledge of the American people.

I want to remind the Senate that the present director of the CIA, William Colby, said a couple of weeks ago that while he preferred to retain the clandestine or covert services, the Capitol would not fall if it were abolished.

He also said that there was not any activity going on anywhere in the world at this time that required the use of clandestine activity.

Sen. Frank Church (D-Idaho): I have decided to vote for this amendment, but I do so with the expectation that it will not pass.

The intrusion of the CIA into the internal political affairs of Chile for the purpose of subverting and bringing down the elected government of that country is an episode that I find both unsavory and unprincipled and in direct contradiction of the traditional principles for which this country has stood.

I think the fact this has now come to light demonstrates that the covert activities of the CIA are presently under no effective restraint.

I would hope that it will be possible to establish, either through a joint committee or by some other means, adequate congressional surveillance over the activities of the CIA, in order to avoid in the future such seemingly interference with the rights of other peoples. If so, then we will have solved this problem without having to outlaw covert activity outright.

I can envision situations in which the national security of the United States, or the survival of the republic, or the avoidance of nuclear war, would have such overriding importance as to justify covert activity.

But none of those factors was present in the Chilean case and none of those factors has been present in previous cases which later came to light, wherein the CIA has undertaken to covertly subvert the governments of other countries, contrary to our treaties, contrary to the principles of international law, and contrary to the historic role played by the United States in world affairs.

Sen. Hubert H. Humphrey (D-Minn.): It involves, as I see it, too important a matter of public policy to be made summarily here on the floor of the Senate.

This amendment was not presented to the committee. It has not had hearings, even though the whole subject of the Central Intelligence operations has, here and there in the committees of Congress, been looked at.

It is my judgment that the Central Intelligence Agency needs to be carefully examined and that a whole set of new directives need to be evolved, but under what circumstances the CIA should be allowed to continue to engage in covert operations abroad is a legitimate and timely question.

I have offered repeatedly a resolution for a joint committee on national security that would represent both bodies of the Congress; that would represent leadership in Congress as well as those who are not in leadership positions; members from the Foreign Relations Committee, Armed Services, Appropriations; members from the Foreign Affairs, Armed Services, and Appropriations Committees as well as those appointed by the Chair and the Speaker, to oversee the entire operation of our national security apparatus. I believe it is needed.

Sen. John Stennis (D-Miss.): I have had some responsibility in the Senate for a good number of years with reference to the CIA activities. Frankly, I have been more interested in the military part, the surveillance over that, and the very highly valuable informa-

tion that they have brought us.

I have called to many Senators about this. I have not found a single one, except the author of this amendment—and there are others—who firmly believe that we ought to abolish covert actions and have no capacity in that field.

I say it is a dangerous thing to do. This surveillance is quite a problem, members of the Senate. We have had it up for many, many angles. As an individual senator, I am ready and willing to just get out of the picture. I do not want to run the thing, so to speak. But as chairman of the Armed Services Committee, which has primary jurisdiction here, I am not going to be put out, nor run over, either. I do not think anyone wants to do that.

Sen. Barry Goldwater (R-Ariz.): If we destroy our right to engage in covert activity altogether by the adoption of this amendment—in fact, I think the language of this amendment would even prevent us from going to war—I think we would be making a very grave mistake.

I do not support everything that the CIA has done. On the other hand, I do not know everything it has done, and I do not think we necessarily have to know. I think this would be dangerous.

I cite the example of a member of the House of Representatives who happened to have seen, so he says, a part of testimony. We do not know whether he saw that testimony or not. But on this one statement, in which, in my opinion, he violated his pledge of secrecy, the whole CIA has come under criticism. I do not believe it is fair of this body to accept the hearsay words of a man who divulged classified material.

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So, I hope we will defeat this amendment and defeat it soundly. I think I am safe in saying that the chairman of the Committee on Armed Services, together with the chairman of the Committee on Foreign Relations, would be

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willing to institute proper hearings, at which time we could hear all arguments for and against the operation of our intelligence collecting agencies.

Sen. Clifford Case (R-N.J.): If I may express my own view about covert activities, it is that they all should be regarded as wrong. There ought not to be an institutionalization of them, even to the extent that we have now. I do not think that a committee is the answer. We have a committee downtown, a Committee of 40, which is supposed to review this matter and advise the President; and he acts on their advice in most cases, I understand.

We have a committee here, when it meets. I am not complaining that it does not meet more often, because I do not think a committee is the answer.

Once we get into an institutionalization of this kind of thing, we begin to make it respectable, and that I do not like. There ought to be a general rule against it, with a general understanding of the American people that on occasion the President has to act in violation of the law, if you will—our law, other laws—and take action in the interest of a country, in great emergency. This I think he does at his own peril and subject to being either supported or turned down by the country, after the fact. I think this is about as close as we can come to any statement about how this matter ought to be handled.

I would, of course, consider any proposal made for procedural reform here, but I want to state now that I do not think any such thing is possible because of the nature of the animal with which we are dealing.

Sen. Howard Baker (R-Tenn.): The thing that really disturbs and distresses me is that I am not sure in my mind that any of us have any way to know whether or not covert operations are being properly conducted, or conducted at all, or for what purpose.

I do not think there is a man in the legislative part of the government who really knows what is going on in the intelligence community, and I am terribly upset about it. I am afraid of this lack of knowledge. For the first time, I suppose, in my senatorial career I am frightened. I am generally frightened of the unknown.

I have proposed, with 32 co-sponsors in the Senate, to create a special Joint Committee on Intelligence Oversight. Through such a committee, I hope we will know. We do not know today, so it is with great reluctance that I will vote against this amendment.

Mr. Abourezk: I have just heard some of the most incredible arguments I have heard in my life, arguments in favor of continued breaking and violation of the laws of the United States and of other countries, promoted by the agents of the Central Intelligence Agency.

I do not know why anybody in Congress or in this country wants to finance a secret army—and that is exactly what the CIA has been—a secret army going around fighting undeclared wars, without the knowledge of any of us in Congress until it is too late, without the knowledge of anybody in the country until it is too late.

It seems to me that the arguments in favor of having covert operations which can at some points break the law have as little validity as the argument that we ought to maintain a covert operation permanently. I say that because, if this country is ever in danger of attack or under threat from another country, we have a right to declare war and to operate under the rules of warfare that we have agreed to in the various Geneva Conventions, in which I am convinced we would then be legally operating in the manner that the CIA is now operating.

Sen. Mark O. Hatfield (R-Ore.): To me, it is transparently obvious that the CIA's covert operations, undertaken in Chile to "destabilize" the Allende government, were in violation of these commitments of international law. At the very least, such operations compromise the sincerity of our loudly proclaimed desire for world peace and world freedom. I think we ought to address ourselves to the legal obligations this nation has undertaken when it has affixed its signature to these various statements and these various charters.

That is why I feel that the amendment offered by the senator from South Dakota really does not go far enough. I should like to see it go farther, to put this Senate on record that we totally and completely oppose any involvement whatsoever in covert activity. That does not deny the gathering of information and intelligence, but indicates the refusal of this Senate to permit the CIA to go beyond gathering intelligence into an action of covert activity.

Sen. Stuart Symington (D-Mo.): I am in great sympathy with much of this thinking of the senator from South Dakota—but I agree with the able senator from Minnesota. I do not believe this is the way it should be done.

What should be done is the establishment of a joint committee of the Committee on Foreign Relations and the Committee on Armed Services—and I have so presented to the distinguished chairman of the Armed Services Committee for many years. We have a strange dichotomy here.

In every country of the world, the head of the CIA reports to the ambassador. That has been true ever since the issuance of the so-called Kennan Letter. But when information comes back here, whereas the State Department supervises ambassadors, the Armed Services Committee supervises the CIA.

This situation should be corrected, and I believe it will be corrected. On the other hand, I do not think this is the bill where it should be considered. Inasmuch as 95 per cent or more of the work of the CIA has to do with countries with which we are not at war, normally at least some of the matters of the CIA should come under the Foreign Relations Committee. It is clear that the Foreign Relations Committee should at least have some interest in reviewing the work of the Central Intelligence Agency.

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